

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS - WESTERN SECTION

DOCKET NO. :

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NORMA A. KYLES  
PLAINTIFF  
V.  
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY  
DEFENDANT

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**NOTICE OF REMOVAL**

**TO: HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

Defendant Massachusetts Mutual Life Insurance Company hereby states:

1. Pursuant to the provisions of Title 28 U.S.C. §1441 *et seq.*, defendant seeks removal of this action from the Superior Court of Massachusetts, Hampden County Division, to this Court.
2. Count III and Count IV of the Complaint alleges violations of the Family Medical Leave Act under 29 U.S.C. §2611 *et. seq.*, against the defendant.
3. Upon information and belief, on or about February 10, 2011, plaintiff commenced a civil action, captioned *Norma A. Kyles v. Massachusetts Mutual Life Insurance Company*, Docket No.: 11-00120-A (Superior Court of Massachusetts, Hampden County Division). A copy of the complaint is attached hereto as Exhibit A served on defendant on February 17, 2011.
4. Removal is timely under 28 U.S.C. §1446(b) because this petition is filed within thirty days after the receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

5. The attached complaint filed herewith as Exhibit A constitutes all of the processes, pleadings and orders in the state court action.
6. Defendant has not pleaded or otherwise appeared in the state court action. Upon information and belief, there are no other defendants in this action.
7. By reason of the foregoing, this Court has original jurisdiction of this action because the plaintiff's claim is founded upon claims or rights arising under the federal statute, 29 U.S.C. §2611 et. seq. Removal of the action to this Court is therefore proper pursuant to 28 U.S.C. §1441 et seq.
8. Concurrent with the filing of this Notice of Removal, defendant is serving this Notice of Removal upon plaintiff and filing a copy of the Notice of Removal with the Clerk of the Superior Court of Massachusetts, Hampden Division.
9. Removal is hereby effected without waiver of any challenges that defendants may have to personal jurisdiction, proper service of process, proper venue or otherwise.

RESPECTFULLY SUBMITTED,  
DEFENDANT

By: /s/ Edward J. McDonough Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 15th day of March, 2011.

/s/ Edward J. McDonough Jr.